



INDUSTRY CIRCULAR

DEPARTMENT OF
THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Washington, D.C. 20226

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RESCISSION OF REVENUE RULING 54-280, TRANSFER OF CERTIFICATES OF LABEL APPROVAL

Importers and others concerned

Purpose. This circular announces the future publication of an ATF Ruling which will rescind provisions for the transfer of certificates of label approval among importers. The ruling will be published in the ATF Bulletin and will read substantially as follows:

The Bureau has reconsidered its position taken in Rev. Rul. 54-280, 1954-2 C.B. 590, which permitted the transfer of certificates of label approval among importers of alcoholic beverages.

Revenue Ruling 54-280 held that certificates of label approval could be transferred between importers in this Country without the necessity of obtaining new approval certificates. This procedure allowed importers to use certificates issued to other importers without applying for a certificate of label approval in their company name.

The Bureau has now determined that due to the lack of notification or recordkeeping requirements for such transfers, it is unable to contact importers of products for health alerts, product integrity problems, fraud investigations and other purposes. The problems associated with the inability to determine the importers of products greatly outweighs the convenience of allowing transfers of certificates.

Held, except as provided below, effective April 1, 1984, an importer may use certificates of label approval to release products from Customs' custody only if the certificates were issued in that importer's name. This applies regardless of when the certificate was issued or whether it was previously transferred. ATF will continue to permit transfers of certificates between importers only if the following conditions are met: (1) the proprietor transferring the certificate is an exclusive

or sole agent for the product, (2) each bottle or individual container bears the name and address of this agent, and (3) the agent maintains records of the companies that the certificates have been transferred to.

Held further, ATF will issue certificates of label approval for alcoholic beverages only to importers in this Country. However, any person, in this Country or abroad, may submit proposed labels for informal comment to the Bureau. Such persons will be advised whether the labels conform to the applicable labeling regulations and, if not, what changes will be necessary in order to bring them into conformity with such regulations.

Rev. Rul 54-280, 1954-2 C.B. 590 is hereby superseded.

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Director

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